

Message

From: Rubin, Judy [Rubin.Judy@epa.gov]
Sent: 12/12/2019 7:34:15 PM
To: Calderon, Wanda [Calderon.Wanda@epa.gov]
Subject: FW: Ted mann emails 3

Judy Rubin

IT Specialist
Information Resource Management Branch
USEPA - Region 2
212-637-3340

From: Judy Rubin <Rubin.Judy@epamail.epa.gov> **On Behalf Of** Judith_Enck/R2/USEPA/US
Sent: Thursday, December 12, 2019 2:19 PM
To: Rubin, Judy <Rubin.Judy@epa.gov>
Subject: Ted mann emails 3

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Cc: Bob Sussman/DC/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:33 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

I agree with walter.

further, we should think about how to structure the meeting so it is the most productive it can be in one hour. I know for the meeting with New York state govt and the trustees they plan to have dec exec deputy commissioner stu gruskin open up the meeting to frame the state's views on the project for about ten minutes.

Ex. 5 Deliberative Process (DP)

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The people coming to both meetings are well versed on the details of the project.

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the 1pm meeting with the state is in ariel rios north but we don't know the room yet. right?

the 3:30 meeting with the NGO's is in ariel rios north room 3309

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▼ Walter Mugdan---11/29/2010 03:10:57 PM---

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Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Judith Enck/R2/USEPA/US]

▼ Bob Sussman---11/29/2010 02:38:15 PM---Thanks Walter.

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From: Bob Sussman/DC/USEPA/US
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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US
To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov
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To: "Levine, Larry" <llevine@nrdc.org>
Date: 11/29/2010 01:35 PM
Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_-_or_corpo.html

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Date: 11/29/2010 03:42 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sounds good but after his introduction, a short summary of where we stand with GE would be helpful. I can do that, with

an assist from the region.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Judith Enck---11/29/2010 03:33:36 PM---I agree with walter. further, we should think about how to structure the meeting so it is the most

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To: "Levine, Larry" <llevine@nrdc.org>

Date: 11/29/2010 01:35 PM

Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_-_or_corpo.html

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From: Judith Enck/R2/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

Date: 12/16/2010 08:37 AM

Subject: Re: GE Rollout

I am doing a conference call with 4 ngo's at 8:30 this evening

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

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Date: 12/16/2010 08:43 AM

Subject: Re: GE Rollout

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▼ Judith Enck

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From: Judith Enck

Sent: 12/16/2010 08:37 AM EST

To: Bob Sussman; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

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Subject: GE Rollout

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----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US

To: Leena Raut/R2/USEPA/US@EPA,

Date: 12/04/2010 09:25 AM

Subject: Re: Happy Birthday!

Thanks leena. Very thoughtful of u. I have a 1pm conf call on hudson river and then we are heading to the upper west

ED_003002A_00000003-00007

side for dinner with friends
Sent by EPA Wireless E-Mail Services

▼ Leena Raut

----- Original Message -----

From: Leena Raut
Sent: 12/04/2010 09:23 AM EST
To: Judith Enck
Subject: Happy Birthday!

Hi Judith,
Hope you have a great birthday today with friends and family!!
Leena

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:19 PM -----

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To: Walter Mugdan/R2/USEPA/US@EPA,
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Date: 11/29/2010 03:29 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

You note that you will share our resuspension and load proposal with the NGOs. Have we been sharing all our proposals with them? If not, why this one?

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

Brackett also said that GE's analysis of Phase 1 capping is different from ours -- i.e. GE says that total avoidable capping was 25 percent during and unavoidable capping was 12 percent. He indicated that these numbers will be discussed at this afternoon's meeting with the company.

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman
Senior Policy Counsel to the Administrator
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(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 03:10:59 PM---

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From: Judith Enck/R2/USEPA/US
To: Elizabeth Southerland/DC/USEPA/US@EPA, "Walter Mugdan" <Mugdan.Walter@epamail.epa.gov>,
Date: 12/08/2010 09:31 AM
Subject: Re: GE Feedback from Brackett Dennison

Excellent point
Sent by EPA Wireless E-Mail Services
▼ Elizabeth Southerland

----- Original Message -----

From: Elizabeth Southerland
Sent: 12/08/2010 09:19 AM EST
To: Walter Mugdan
Cc: Bob Sussman; Catherine McCabe; Cynthia Giles-AA; Elliott Gilberg; George Pavlou; James Woolford; Judith Enck; Lisa Feldt; Mathy Stanislaus; simon.paul@epa.gov; Betsy Southerland <southerland.elizabeth@epa.gov>; schaaf.eric@epa.gov; Doug Garbarini
Subject: Re: GE Feedback from Brackett Dennison

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Date: 12/07/2010 07:55 PM
Subject: Re: GE Feedback from Brackett Dennison

Bob,

Thanks for the information. We spent an hour this afternoon on the phone with Ann Klee, John Hagard and John Connolly, and spent another hour or more among ourselves discussing the way that GE is working the numbers.

Ex. 5 Deliberative Process (DP)

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I will be flying down on the 8 AM shuttle, and expect to arrive at EPA Headquarters tomorrow by around 9:45 -- unfortunately that would not leave much time for a pre-meeting before the 10 AM meeting with GE.

- Walter

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To: Walter Mugdan/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Betsy Southerland <southerland.elizabeth@epa.gov>, simon.paul@epa.gov, James Woolford/DC/USEPA/US@EPA
Date: 12/07/2010 07:20 PM
Subject: GE Feedback from Brackett Dennison

Brackett Dennison called today to respond to a number of questions he and I have been discussing. He made the following points:

1. EPA's guidance is explicit that some residual contamination is unavoidable for dredging remedies, regardless of the number of passes.

Ex. 5 Deliberative Process (DP)

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2. GE believes that our 10 percent metric of success erroneously assumes that the three units which were capped because of time constraints in Phase 1 would otherwise have had no capping, and therefore the calculations on which our 10 percent limit is based are overly conservative. (I said that I had a different understanding and hoped we could clear up the confusion before tomorrow's meeting).

Ex. 5 Deliberative Process (DP)

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3. GE calculates that overall PCB mass removal for their metric of success (18 percent) would be 97 percent, while the comparable percentage for our metric of success (10 percent) would be 98 percent. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

4. GE believes that the increment of PCBs that would be left in the river under their approach as compared to ours would not compromise the remedy because it would not be bioavailable as a result of the capping. Ex. 5 Deliberative Process (DP)

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5. Most importantly, GE believes the cost increase from reducing the metric of success from 18 percent to 10 percent would be between \$300 and \$700 million, although he stressed that this is a preliminary estimate. Brackett indicated that GE is now assuming that the total cost of the remedy (before these increases) would be around \$2B. Ex. 5 Deliberative Process (DP)

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Cc: Lisa Plevin/R2/USEPA/US@EPA
Date: 09/14/2010 09:39 AM
Subject: Re: Green infrastructure conference -- Invitation

November better than december. I don't think we should schedule much more for early december as I will need time to prepare for pr mtgs

Sent by EPA Wireless E-Mail Services

▼ Nancy Beck

----- Original Message -----

From: Nancy Beck

Sent: 09/13/2010 05:19 PM EDT

To: Judith Enck

Cc: Lisa Plevin

Subject: Fw: Green infrastructure conference -- Invitation

In case you want to do this, you are free on December 1st; December 8th you will be in Puerto Rico.

----- Forwarded by Nancy Beck/R2/USEPA/US on 09/13/2010 05:17 PM -----

From: "Simon Gruber" <sgruber100@verizon.net>

To: Nancy Beck/R2/USEPA/US@EPA

Cc: "Paul Beyer" <Paul.Beyer@dos.state.ny.us>

Date: 09/13/2010 04:09 PM

Subject: Green infrastructure conference -- Invitation

Nancy,

I understand that you handle scheduling for Judith Enck. I am an environmental planner working on green infrastructure for stormwater management and CSO mitigation, and on other water resources issues in the region, and I'm affiliated with the CUNY Institute for Sustainable Cities based at Hunter College. We are planning a ½ day conference, working title "Green Infrastructure for the Hudson River Estuary", later this year at Roosevelt House in Manhattan. I'm wondering whether Judith might be able to participate as a keynote speaker. It will be in the afternoon and the dates we have available are December 1 and 8 (also November 10, 15, and 16 but I'm leaning towards December so we have more time for outreach, etc). Confirmed participants include Paul Beyer, NYS Office of Smart Growth, copied here; Fran Dunwell, Hudson River Estuary Coordinator, NYS DEC; Karen Engel, Green Infrastructure coordinator for NYS DEC; and Rob Pirani, VP, Environmental Programs, Regional Plan Association.

We need to finalize the date ASAP. I realize Judith's schedule is quite busy and she may not be able to come, but if there's a chance and if either Dec. 1 or 8 is better, please let me know. Please also relay my regards to Judith - we have met several times, but have not been in touch for quite a while.

I'm available to speak by phone if needed most days this week, except Friday after about 10:30 am.

Thanks, Simon Gruber

Institute Fellow, CUNY Institute for Sustainable Cities

Consulting Partner, Hudson Valley Regional Council

845-534-5622

<http://www.cunysustainablecities.org/>

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Richard Windsor/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Diane

ED_003002A_00000003-00013

Ex. 5 Deliberative Process (DP)

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/16/2010 08:43 AM EST
To: Judith Enck; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/16/2010 08:37 AM EST
To: Bob Sussman; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

I am doing a conference call with 4 ngo's at 8:30 this evening

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/16/2010 07:09 AM EST
To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: GE Rollout

Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Nancy Beck/R2/USEPA/US@EPA,
Cc: Lisa Plevin/R2/USEPA/US@EPA
Date: 09/13/2010 08:33 PM
Subject: Re: Green infrastructure conference -- Invitation

Yes
Sent by EPA Wireless E-Mail Services
Nancy Beck

----- Original Message -----

From: Nancy Beck
Sent: 09/13/2010 05:19 PM EDT
To: Judith Enck
Cc: Lisa Plevin
Subject: Fw: Green infrastructure conference -- Invitation

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<http://www.cunysustainablecities.org/>

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA, "Bonnie Bellow" <Bellow.Bonnie@epamail.epa.gov>, "Mary Mears" <Mears.Mary@epamail.epa.gov>,
Date: 12/14/2010 07:53 AM
Subject: Re: GE

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Walter Mugdan

----- Original Message -----

From: Walter Mugdan

Sent: 12/13/2010 09:45 PM EST

To: Bob Sussman

Cc: Judith Enck; Lisa Feldt; "Catherine McCabe" <mccabe.catherine@epa.gov>; "George Pavlou" <Pavlou.George@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Doug Garbarini; James Woolford; Elizabeth Southerland

Subject: Re: GE

Ex. 5 Deliberative Process (DP)

-Walter

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/13/2010 07:37 PM EST

To: Walter Mugdan

Cc: Judith Enck; Lisa Feldt

Subject: GE

I have Brackett trying to connect. We'll probably talk in the am. Could i get an e-mail download of your discussions with GE today? Thanks.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Bob Sussman/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, "Judith Enck" <enck.judith@epa.gov>, George Pavlou/R2/USEPA/US@EPA, "Bonnie Bellow" <bellow.bonnie@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>,
Date: 12/16/2010 05:45 PM
Subject: Re: GE Update

Ex. 5 Deliberative Process (DP)

▼ Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 12/16/2010 05:28 PM EST
To: Walter Mugdan; Bob Sussman; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Subject: GE Update

The Administrator's call with Jeff Immelt went well. Immelt had Mr. Brackett on the line with him, so that outreach may no longer be needed (Bob -- you can decide).

The Administrator did not give them any specific numbers. So any further discussions with GE today should not either.

We are on track for full release tomorrow, as planned.

Seth

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA,
Date: 12/16/2010 10:13 AM
Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 12/16/2010 09:10 AM EST
To: Richard Windsor; Bob Sussman; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

The plan has been -- and I advise should remain -- as follows:

1. Administrator calls Immelt mid-afternoon (around 3:30 or 4 pm, if possible, but not earlier if we can avoid it).
2. Calls to GE subordinates do not take place simultaneously -- those calls, instead, are made end of day -- as late as possible (5 or 6 pm) -- with a verbal briefing but no paper provided. Immelt will obviously brief his folks on his conversation with the Administrator.

3. Judith makes calls to key enviros tonight -- no earlier than 8:30 pm.

4. Public roll out begins tomorrow morning.

Seth

▼ Richard Windsor

----- Original Message -----

From: Richard Windsor

Sent: 12/16/2010 08:47 AM EST

To: Bob Sussman; Judith Enck; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/16/2010 08:43 AM EST

To: Judith Enck; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck

Sent: 12/16/2010 08:37 AM EST

To: Bob Sussman; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: Re: GE Rollout

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Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA,
Date: 12/16/2010 05:32 PM
Subject: Re: GE Update

Great. Thanks
Sent by EPA Wireless E-Mail Services
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 12/16/2010 05:28 PM EST
To: Walter Mugdan; Bob Sussman; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Subject: GE Update

The Administrator's call with Jeff Immelt went well. Immelt had Mr. Brackett on the line with him, so that outreach may no longer be needed (Bob -- you can decide).

The Administrator did not give them any specific numbers. So any further discussions with GE today should not either.

We are on track for full release tomorrow, as planned.

Seth

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Date: 11/30/2010 08:25 AM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services
Walter Mugdan

----- Original Message -----

From: Walter Mugdan
Sent: 11/29/2010 03:43 PM EST
To: Bob Sussman
Cc: Benny Conetta; Elliott Gilberg; Judith Enck; fischer.douglas@epa.gov; Doug Garbarini; James Woolford; king.david@epa.gov; Gary Klawinski; Lisa Feldt; Pavlou.George@epa.gov; schAAF.eric@epa.gov; simon.paul@epa.gov; Elizabeth Southerland; wmichaelmccabe@earthlink.net
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sorry -- I should have been clearer. We have shared with the NGOs all nearly all documents that we have exchanged with GE. Specifically, we have given the NGOs all of EPA's markups of the Consent Decree Attachments and the Engineering Performance Standards (totaling hundreds of pages). We have also forwarded to the NGOs all of GE's proposed markups of those documents, which GE submitted to EPA with the request that they become part of our Administrative Record. These are the documents that Larry Levine refers to in his blog.

The most recent document we shared with the NGOs is the Resuspension and Load write-up that I referred to in my

earlier e-mail; we sent it to GE this morning and to the NGOs this afternoon. (This issue is one we haven't spent much time discussing with the NGOs as yet.)

▼ Bob Sussman---11/29/2010 03:29:34 PM---Thanks Walter. You note that you will share our resuspension and load proposal with the NGOs. Have w

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:29 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

You note that you will share our resuspension and load proposal with the NGOs. Have we been sharing all our proposals with them? If not, why this one?

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

Brackett also said that GE's analysis of Phase 1 capping is different from ours -- i.e. GE says that total avoidable capping was 25 percent during and unavoidable capping was 12 percent. He indicated that these numbers will be discussed at this afternoon's meeting with the company.

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 03:10:59 PM---

Ex. 5 Deliberative Process (DP)

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From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Bob Sussman/DC/USEPA/US]

▼ Bob Sussman---11/29/2010 02:38:15 PM---Thanks Walter.

Ex. 5 Deliberative Process (DP)

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From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

Ex. 5 Deliberative Process (DP)

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
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US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US
To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov
Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA
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Subject: FYI: NRDC Blog on Hudson River Cleanup

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----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>
To: "Levine, Larry" <llevine@nrdc.org>
Date: 11/29/2010 01:35 PM
Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_-_or_corpo.html

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From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Date: 12/14/2010 08:49 AM
Subject: Re: GE

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

From: Walter Mugdan
Sent: 12/14/2010 07:58 AM EST
To: Judith Enck
Cc: Bonnie Bellow; Mary Mears
Subject: Re: GE

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To: Walter Mugdan/R2/USEPA/US@EPA, "Bonnie Bellow" <Bellow.Bonnie@epamail.epa.gov>, "Mary Mears" <Mears.Mary@epamail.epa.gov>
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Cc: Judith Enck; Lisa Feldt; "Catherine McCabe" <mccabe.catherine@epa.gov>; "George Pavlou" <Pavlou.George@epa.gov>; "Eric Schaaf" <schaaf.eric@epa.gov>; "Paul Simon" <simon.paul@epa.gov>; Doug Garbarini; James Woolford; Elizabeth Southerland

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Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

Ex. 5 Deliberative Process (DP)

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US Environmental Protection Agency

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Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA

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Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

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----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, mugdan.walter@epa.gov,
Date: 12/08/2010 07:28 AM
Subject: Re: GE Feedback from Brackett Dennison

Walter did a good job walking us thru the numbers.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/07/2010 07:20 PM EST
To: Walter Mugdan; George Pavlou; Judith Enck; Lisa Feldt; Cynthia Giles-AA; Elliott Gilberg; Catherine McCabe; Mathy Stanislaus; Betsy Southerland <southerland.elizabeth@epa.gov>; simon.paul@epa.gov; James Woolford
Subject: GE Feedback from Brackett Dennison

Brackett Dennison called today to respond to a number of questions he and I have been discussing. He made the following points:

1. EPA's guidance is explicit that some residual contamination is unavoidable for dredging remedies, regardless of the number of passes.
2. GE believes that our 10 percent metric of success erroneously assumes that the three units which were capped because of time constraints in Phase 1 would otherwise have had no capping, and therefore the calculations on which our 10 percent limit is based are overly conservative. (I said that I had a different understanding and hoped we could clear up the confusion before tomorrow's meeting).
3. GE calculates that overall PCB mass removal for their metric of success (18 percent) would be 97 percent, while the comparable percentage for our metric of success (10 percent) would be 98 percent.
4. GE believes that the increment of PCBs that would be left in the river under their approach as compared to ours would not compromise the remedy because it would not be bioavailable as a result of the capping.
5. Most importantly, GE believes the cost increase from reducing the metric of success from 18 percent to 10 percent would be between \$300 and \$700 million, although he stressed that this is a preliminary estimate. Brackett indicated that GE is now assuming that the total cost of the remedy (before these increases) would be around \$2B.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

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Date: 12/16/2010 09:22 PM
Subject: Re: GE Update

ED_003002A_00000003-00025

Had a cordial call with Brackett and sensed that while GE will not commit itself in its press release, it would express a leaning toward opting in subject to reviewing the details.

Brackett asked whether, at some point tomorrow, we might inform them of what we plan to say in our release. I said I would refer the request to our communications people. Their POCs on communications are Gary Shepard and mark behan. Only contact them if you want to.

☞ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/16/2010 05:45 PM EST
To: Seth Oster; Walter Mugdan; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Subject: Re: GE Update

Ex. 5 Deliberative Process (DP)

☞ Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 12/16/2010 05:28 PM EST
To: Walter Mugdan; Bob Sussman; "Judith Enck" <enck.judith@epa.gov>; George Pavlou; "Bonnie Bellow" <bellow.bonnie@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Subject: GE Update

The Administrator's call with Jeff Immelt went well. Immelt had Mr. Brackett on the line with him, so that outreach may no longer be needed (Bob -- you can decide).

The Administrator did not give them any specific numbers. So any further discussions with GE today should not either.

We are on track for full release tomorrow, as planned.

Seth

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Date: 12/07/2010 06:54 AM
Subject: Re: Hudson

Hanks judith. Feel free to call me too.

☞ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/06/2010 11:13 PM EST
To: Bob Sussman
Subject: Fw: Hudson

Can't remember if I sent u this earlier. I hope the mtgs over the next few days provide greater clarity. I felt I was rather muddled in todays meeting and didn't help obtain clarity. I will stay in touch with walter and george this week but if u need to reach me email me and I will call u back. We have a jam packed schedule in puerto rico but every few hours I get to return calls. Cheers judith

Sent by EPA Wireless E-Mail Services

▼ Mary Mears

----- Original Message -----

From: Mary Mears

Sent: 12/06/2010 05:14 PM EST

To: Judith Enck; Brendan Gilfillan; Walter Mugdan; Bonnie Bellow; Peter Brandt; Dave Kluesner

Subject: Hudson

Below is the AP story from just a few minutes ago. The quote is from me sending the statement that Brendan wrote on Friday. Not surprising and as you can see, the focus is on how much capping will be allowed.

Mary Mears

Chief, Public Outreach Branch, U.S. EPA

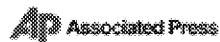
office - 212-637-3673

cell - 646-369-0077

www.epa.gov/region2

NY worried EPA will allow caps in Hudson PCB plan

NY, environmentalists worried EPA will allow too much capping in Hudson River PCB dredge plan



Michael Hill, Associated Press, On Monday December 6, 2010, 5:03 pm

ALBANY, N.Y. (AP) -- State officials and environmentalists are concerned that the U.S. Environmental Protection Agency could allow more contaminated Hudson River sediment to be capped rather than dredged as originally planned.

The EPA is expected to release standards as early as next Monday for the second phase of the massive PCB dredging project along 40 miles of river bottom north of Albany. The river was contaminated years ago by two plants operated by General Electric Co., which is doing the cleanup under the federal Superfund law.

Both the EPA and GE reiterated their commitment to the project after the concerns were publicized Monday. GE stressed that capping contaminated river sediment will not be used as a substitute for removing it.

Larry Levine of the Natural Resources Defense Council said there was general agreement on the need to cap rocky and other hard-to-dredge places, or about 10 percent of the contaminated area. But Levine said capping up to 24 percent of the contaminated area was still being discussed.

The state Department of Environmental Conservation said in a letter dated Dec. 2 that any contaminants that can be dredged should be dredged for the long-term health of the river. The agency said caps topped with a stone layer would have to be maintained, monitored and would affect the river habitat.

"EPA will be heading in the wrong direction if it permits GE to leave PCB inventory in the river that can and should otherwise be dredged," wrote Stuart Gruskin, the agency's executive deputy commissioner.

GE spokesman Mark Behan said the company has proposed a thorough standard that would rely on capping only in limited circumstances when multiple dredging attempts become unproductive, slow down work and kick up more PCBs into the river. He said New York misunderstands GE's proposal.

"We have not proposed to substitute capping for dredging," Behan said. "This will still be one of the largest environmental dredging projects ever undertaken in the United States."

EPA spokeswoman Mary Mears said the agency fully expects GE to finish the project and is working with the company and others to make sure it does so.

"Agency officials are meeting with GE and a wide range of environmental and community groups and state and local officials -- because there are highly technical issues we have to work through to ensure the job is done right," Mears said.

A test phase of the cleanup last year revealed that PCB contamination was more concentrated in the targeted "hot spots" than expected. The dredging also kicked up PCBs into the water at a level higher than desired. The percentage of capping in the first phase was 37 percent, according to the EPA.

An independent panel of scientists this year called for substantive changes to standards that govern the project, including the pace of work and levels of PCBs that dredgers stir up.

Dredging is scheduled to restart in the spring and could take seven years or more, though the timeframe will depend on the new standards.

After the EPA releases its standards for the second phase, GE will have a month to decide whether to accept the terms.

GE has already spent about \$561 million on the project.

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Richard Windsor/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

Date: 12/16/2010 08:35 AM

Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

✉ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/16/2010 07:09 AM EST

To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: GE Rollout

Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Richard Windsor/DC/USEPA/US

To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

Date: 12/16/2010 09:14 AM

Subject: Re: GE Rollout

Thanks Seth. Bob and Walter - thx for your patience.

✉ Seth Oster

----- Original Message -----

From: Seth Oster

Sent: 12/16/2010 09:10 AM EST

To: Richard Windsor; Bob Sussman; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson

Subject: Re: GE Rollout

The plan has been -- and I. advise should remain -- as follows:

1. Administrator calls Immelt mid-afternoon (around 3:30 or 4 pm, if possible, but not earlier if we can avoid it).
2. Calls to GE subordinates do not take place simultaneously -- those calls, instead, are made end of day -- as late as possible (5 or 6 pm) -- with a verbal briefing but no paper provided. Immelt will obviously brief his folks on his conversation with the Administrator.
3. Judith makes calls to key enviros tonight -- no earlier than 8:30 pm.
4. Public roll out begins tomorrow morning.

Seth

▼ Richard Windsor

----- Original Message -----

From: Richard Windsor
Sent: 12/16/2010 08:47 AM EST
To: Bob Sussman; Judith Enck; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/16/2010 08:43 AM EST
To: Judith Enck; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/16/2010 08:37 AM EST
To: Bob Sussman; Richard Windsor; Seth Oster; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: Re: GE Rollout

I am doing a conference call with 4 ngo's at 8:30 this evening. I am confident they will not leak the info

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Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/16/2010 07:09 AM EST
To: Richard Windsor; Seth Oster; Judith Enck; Walter Mugdan; Bob Perciasepe; Brendan Gilfillan; Heidi Ellis; Aaron Dickerson; Diane Thompson
Subject: GE Rollout

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Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA,
Date: 11/29/2010 03:48 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

great.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Bob Sussman---11/29/2010 03:42:45 PM---Sounds good but after his introduction, a short summary of where we stand with GE would be helpful.

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, Walter Mugdan/R2/USEPA/US@EPA, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:42 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sounds good but after his introduction, a short summary of where we stand with GE would be helpful. I can do that, with an assist from the region.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Judith Enck---11/29/2010 03:33:36 PM---

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:33 PM

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The people coming to both meetings are well versed on the details of the project. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

logistics:

the 1pm meeting with the state is in ariel rios north but we don't know the room yet. right?

the 3:30 meeting with the NGO's is in ariel rios north room 3309

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Walter Mugdan---11/29/2010 03:10:57 PM---

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

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Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Judith Enck/R2/USEPA/US]

▼ Bob Sussman---11/29/2010 02:38:15 PM---Thanks Walter.

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Ex. 5 Deliberative Process (DP)

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

Ex. 5 Deliberative Process (DP)

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US
To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov
Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA
Date: 11/29/2010 02:14 PM
Subject: FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>
To: "Levine, Larry" <llevine@nrdc.org>
Date: 11/29/2010 01:35 PM
Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_--_or_corpo.html

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:19 PM -----

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Cc: Catherine McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, "simon paul" <simon.paul@epa.gov>, "Betsy Southerland" <southerland.elizabeth@epa.gov>, "schaaf eric" <schaaf.eric@epa.gov>, Doug Garbarini/R2/USEPA/US@EPA
Date: 12/07/2010 08:11 PM
Subject: Re: GE Feedback from Brackett Dennison

Walter unfortunately I have an appt out of the office and will be arriving right around 10.

▼ Walter Mugdan

----- Original Message -----

From: Walter Mugdan
Sent: 12/07/2010 07:55 PM EST
To: Bob Sussman
Cc: Catherine McCabe; Cynthia Giles-AA; Elliott Gilberg; George Pavlou; James Woolford; Judith Enck; Lisa Feldt; Mathy Stanislaus; simon.paul@epa.gov; Betsy Southerland <southerland.elizabeth@epa.gov>; schaafer.eric@epa.gov; Doug Garbarini
Subject: Re: GE Feedback from Brackett Dennison

Bob,

Thanks for the information. We spent an hour this afternoon on the phone with Ann Klee, John Hagard and John Connolly,

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I will be flying down on the 8 AM shuttle, and expect to arrive at EPA Headquarters tomorrow by around 9:45 -- unfortunately that would not leave much time for a pre-meeting before the 10 AM meeting with GE.

- Walter

▼ Bob Sussman---12/07/2010 07:20:26 PM---Brackett Dennison called today to respond to a number of questions he and I have been discussing. He

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Betsy Southerland <southerland.elizabeth@epa.gov>, simon.paul@epa.gov, James Woolford/DC/USEPA/US@EPA
Date: 12/07/2010 07:20 PM
Subject: GE Feedback from Brackett Dennison

Brackett Dennison called today to respond to a number of questions he and I have been discussing. He made the following points:

1. EPA's guidance is explicit that some residual contamination is unavoidable for dredging remedies, regardless of the number of passes.

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2. GE believes that our 10 percent metric of success erroneously assumes that the three units which were capped because of time constraints in Phase 1 would otherwise have had no capping, and therefore the calculations on which our 10 percent limit is based are overly conservative. (I said that I had a different understanding and hoped we could clear up the confusion before tomorrow's meeting).

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3. GE calculates that overall PCB mass removal for their metric of success (18 percent) would be 97 percent, while the comparable percentage for our metric of success (10 percent) would be 98 percent.

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4. GE believes that the increment of PCBs that would be left in the river under their approach as compared to ours would not compromise the remedy because it would not be bioavailable as a result of the capping.

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5. Most importantly, GE believes the cost increase from reducing the metric of success from 18 percent to 10 percent would be between \$300 and \$700 million, although he stressed that this is a preliminary estimate. Brackett indicated that GE is now assuming that the total cost of the remedy (before these increases) would be around \$2B.

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Robert M. Sussman
Senior Policy Counsel to the Administrator
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(202)-564-7397
US Environmental Protection Agency